

MINUTES OF MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
MAY 1, 2014

The Maple River Water Resource District met on May 1, 2014, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Rodger Olson, Chairman; Jurgen Suhr, Manager; Gerald Melvin, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Brittany C. Moen, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Mike Opat, Engineer for the Board; Brady Woodard, Moore Engineering, Inc.; John Andvik and Kelly Perhus, property owners in Davenport Township; and Roger Vining, property owner in Casselton Township.

Minutes

It was moved by Manager Suhr, seconded by Manager Olson and unanimously carried to approve the minutes of the April 4, 2014, meeting.

Drain #39 slide repairs

Mike Opat showed locations on Drain #39 where slides have occurred, and distributed a summary of cost for repair of the individual sites.

It was moved by Manager Suhr and seconded by Manager Olson to proceed with the slide repair at sites 4, 5 and 6 on Drain #39, as presented by Moore Engineering, Inc., at a cost of \$70,000, plus engineering. Upon roll call vote the following Managers voted in favor: Olson and Suhr. Manager Melvin was absent. Motion passed.

Pontiac Township Improvement District No. 73

Mr. Opat discussed estimates for potential reimbursements to landowners for lost rental or production income on agricultural land during the construction phase of the project.

It was moved by Manager Suhr and seconded by Manager Olson to approve payment for lost rental or production income on agricultural land during the construction phase of Pontiac Township Improvement District No. 73 to Fercho Family Farms, LLP. Upon roll call vote the following Managers voted in favor: Olson and Suhr. Manager Melvin was absent. Motion passed.

The Board discussed the *Operation and Maintenance Plan* for the project. The Board has received no additional comments from Highland, Pontiac, Eldred and Clifton Township officials. It was moved by Manager Suhr and seconded by Manager Olson to approve the Pontiac Township Improvement District No. 73 *Operation and Maintenance Plan*. Upon roll call vote the following Managers voted in favor: Olson and Suhr. Manager Melvin was absent. Motion passed.

Mr. Opat informed the Board that gates on Phase I of the project were installed a couple weeks ago and were left open, which resulted in some pooling of water. A contractor was hired to resolve the matter. Brady Woodard will provide the Board with weekly construction updates regarding the project.

Upper Maple River Dam

Mr. Opat said voting for the Upper Maple River Dam closes at 5:00 p.m. on Friday. He plans to meet with the State Engineer's Office on Wednesday regarding the project permit and will discuss design reports and project details. He reviewed a potential schedule for the project if the vote passes.

Garsteig Dam pipe repair

Mr. Opat updated the Board on damages to the concrete principal spillway pipe at Garsteig Dam. Weather conditions have made it difficult to get video equipment to the site to view the pipe internally. The Natural Resources Conservation Service (NRCS) indicated they will not assist in the repairs. Mr. Woodard will continue to monitor the site and update the Board on the matter at a future meeting.

NRCS Watershed Rehabilitation Program

A request was submitted to the NRCS for Federal funding under the Watershed Rehabilitation Program for repairs to the Absaroka Dam, Garsteig Dam and Embden Dam. None of the dams were selected by the NRCS for the state request for full rehabilitation. Garsteig Dam was selected as one of the 9 dams to submit for further dam assessment, on the basis of the fact it may be reclassified as a high hazard dam, based on work currently being done by North Dakota State Dam Safety. The Board will hear from the NRCS if Garsteig Dam is approved for funding. If it is, an assessment will be completed on the dam at no cost to the Water Resource District.

Garsteig-Embden Maintenance District

The Board discussed the proposed Garsteig-Embden Maintenance District and will host a public hearing on June 5, 2014. Mr. Fredricks will post a *Notice of Hearing* in the Fargo Forum and the Cass County Reporter the end of May.

Mr. Opat distributed a preliminary PowerPoint presentation regarding the Garsteig-Embden Maintenance District for use at the hearing for the Board's review and comments.

Drain #46 cleanout

Mr. Opat displayed the current profile of Drain #46. He will solicit estimates from contractors to clean the drain. Mr. Woodard will speak to area landowners regarding the project.

Cass-Richland Drain #1

It was moved by Manager Suhr and seconded by Manager Melvin to authorize Moore Engineering, Inc. to repair the washed out culverts on Cass-Richland Drain #1 in Sections 1 and 2 of Barrie Township in Richland County. Upon roll call vote, the motion carried unanimously. Moore Engineering, Inc. will work with property owners to determine the culvert size needed. The Secretary-Treasurer will notify the Richland County Water Resource District on the matter.

2013 Audit – letter to the Office of the State Auditor confirming representations

It was moved by Manager Melvin and seconded by Manager Suhr to authorize the Secretary-Treasurer to sign a letter to the Office of the State Auditor confirming representations made during the 2013 audit of the Maple River Water Resource District. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Melvin and seconded by Manager Suhr to approve the payment of Checks #5218 through #5225 and the electronic funds transfer, as presented. Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Drain #20143 for John Andvik and Kelly Perhus in the S 1/2 of Section 35 in Davenport Township

The Board reviewed *Application to Install a Subsurface Drain #20143* dated April 11, 2014, for John Andvik and Kelly Perhus. The Board reviewed the criteria in Section 89-02-01-09 of the North Dakota Administrative Code and concluded the project does not meet any of the “statewide” elements, and the Board concluded therefore the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer’s Office to consider and approve). Under the application, Applicants seek to install a drain tile system in the S 1/2 of Section 35 in Davenport Township, Cass County, North Dakota. The project will include a pump outlet near the southeast corner of Section 35; the pump will discharge directly into the west highway road ditch along Cass County Highway 27; the tile discharge will then flow north along the east boundary of Section 35, in Cass County Highway 27 right-of-way. LiDAR indicates tile discharge will continue to flow north.

Mr. Opat reviewed the application and reviewed the LiDAR and concluded the project will flow north through county highway right-of-way. The Board did provide *Thirty-Day Notices* under N.D. Cent. Code Section 61-32-03.1 to the Cass County Highway Department as well as landowners in the E 1/2 of Section 26. To the extent the tile discharge will flow in Cass County highway right-of-way, the Board will not require Applicants to obtain any flowage easements from landowners in Section 26 or from

landowners in the NE 1/4 of Section 35; rather, the Board will require Applicants to obtain permission from the Cass County Highway Department.

According to records on file with the Cass County Recorder's Office, Constance Andvik and Matthew Andvik own the SW 1/4 of Section 35, subject to a life estate in John Andvik. Randy and Deann Jawaski own a small 4.5 acre parcel in the SW 1/4, but Applicants' proposed tile plan indicates the project will not include tile in the Jawaski's property. Kelly Perhus owns the SE 1/4 of Section 35, subject to a small exception regarding property owned by Linda Strommen; the project plan indicates the project will not include tile in Ms. Strommen's property. With regard to the downstream properties, Sean Fredricks will determine if the County owns its highway right-of-way (as opposed to easement).

It was moved by Manager Melvin and seconded by Manager Suhr to approve *Application to Install a Subsurface Drain #20143* dated April 11, 2014, for John Andvik and Kelly Perhus in the S 1/2 of Section 35 in Davenport Township, contingent upon review of the County's highway right-of-way, and subject to the following conditions:

- 1) That Applicants obtain easements from the owner of any land, besides land owned by Applicants, on which Applicants will construct the tile system;
- 2) That Applicants obtain written permission from Cass County to discharge into, or otherwise utilize, any of its county highway right-of-way;
- 3) That Applicants notify the Maple River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That Applicants notify the Maple River Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 5) That Applicants must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Board;
- 6) That Applicants obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Weed control

It was moved by Manager Melvin and seconded by Manager Suhr to approve the Cass County Weed Control Work Order form for spraying Maple River Water Resource District facilities. Upon roll call vote, the motion carried unanimously.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Suhr, seconded by Manager Melvin and unanimously carried to adjourn the meeting.

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer